

Attorneys for Defendants CARMAX AUTO  
SUPERSTORES CALIFORNIA, LLC AND  
CARMAX AUTO SUPERSTORES WEST  
COAST, INC.

## NORTHERN DISTRICT OF CALIFORNIA

Defendants.

) **JOINT STIPULATION FOR PARTIAL**  
 ) **DISMISSAL OF PLAINTIFF'S CLAIMS**  
 ) **AS TO DEFENDANTS CARMAX AUTO**  
 ) **SUPERSTORES CALIFORNIA, LLC**  
 ) **AND CARMAX AUTO SUPERSTORES**  
 ) **WEST COAST, INC. ONLY**

1 Plaintiff First American Specialty Insurance Company (“plaintiff”) and defendants  
2 CarMax Auto Superstores California, LLC and CarMax Auto Superstores West Coast, Inc.  
3 (collectively “CarMax”), through undersigned counsel of record, hereby stipulate to dismiss the  
4 second cause of action for “strict products liability” as to defendants CarMax Auto Superstores  
5 California, LLC and CarMax Auto Superstores West Coast, Inc. only.

7 Plaintiff and CarMax, through undersigned counsel of record, further stipulate to dismiss  
8 any claim for negligent manufacture of the 2002 Ford F150 (VIN: 1FTRW07682KE25148)  
9 (“subject vehicle”) as to defendants CarMax Auto Superstores California, LLC and CarMax Auto  
10 Superstores West Coast, Inc. only.

12 Now, therefore, IT IS HEREBY STIPULATED by and between all the parties to this  
13 action as follows:

- 14 1. The second cause of action in the complaint for “strict products liability” is dismissed  
15 with prejudice as to defendants CarMax Auto Superstores California, LLC and  
16 CarMax Auto Superstores West Coast, Inc. only.
- 18 2. Any claim for negligent manufacture of the subject vehicle is dismissed with  
19 prejudice as to defendants CarMax Auto Superstores California, LLC and CarMax  
20 Auto Superstores West Coast, Inc. only.

22 IT IS SO STIPULATED.

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1 Dated: June 27, 2017

SCHLICHTER & SHONACK, LLP

2 /s/ - Kurt A. Schlichter

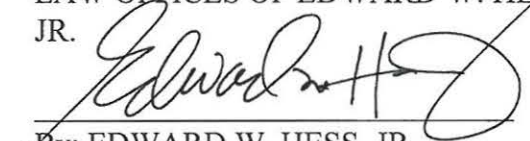
3 By: KURT A. SCHLICHTER

4 EDWIN ESSAKHAR

5 Attorneys for Defendants CARMAX  
6 AUTO SUPERSTORES CALIFORNIA,  
7 LLC and CARMAX ATUO  
8 SUPERSTORES WEST COAST, INC.

9 Dated: June 27, 2017

10 LAW OFFICES OF EDWARD W. HESS,  
11 JR.

12   
13 By: EDWARD W. HESS, JR.

14 Attorney for Plaintiff FIRST AMERICAN  
15 SPECIALTY INSURANCE COMPANY.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FIRST AMERICAN SPECIALTY  
INSURANCE COMPANY,

Plaintiff,

v.

FORD MOTOR COMPANY; CARMAX  
AUTO SUPERSTORES  
CALIFORNIA, LLC; CARMAX AUTO  
SUPERSTORES WEST COAST, INC.; and  
DOES 1 through 10, inclusive,

Defendants.

) USDC No. 3:16-cv-05951-WHA  
) Judge: Hon. William H. Alsup  
) Complaint Filed: August 30, 2016  
)

) ~~[PROPOSED]~~ ORDER PARTIALLY  
) DISMISSING PLAINTIFF'S CLAIMS AS  
) TO DEFENDANTS CARMAX AUTO  
) SUPERSTORES CALIFORNIA, LLC  
) AND CARMAX AUTO SUPERSTORES  
) WEST COAST, INC. ONLY  
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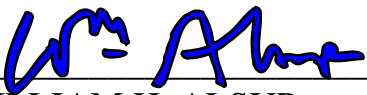
ORDER

Based upon the Joint Stipulation of the parties, and good cause appearing therefore, IT IS ORDERED that:

1. The second cause of action in the complaint for “strict products liability” is dismissed with prejudice as to defendants CarMax Auto Superstores California, LLC and CarMax Auto Superstores West Coast, Inc. only.
2. Any claim for negligence manufacture of the 2002 Ford F150 (VIN: 1FTRW07682KE25148) (“subject vehicle”) is dismissed with prejudice as to defendants CarMax Auto Superstores California, LLC and CarMax Auto Superstores West Coast, Inc. only.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 6, 2017.

  
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WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE